

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 163-166 will be active in the application subsequent to entry of this Amendment.

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and directed to preferred embodiments of the invention.

Previous claim 154 was directed to a method of sequentially delivering two beneficial substances, by the erosion of silicon barrier regions. New claim 163 now specifies that the first beneficial substance comprises porous silicon (which is a type of elemental silicon) and the second comprises elemental sulfur.

The following table gives the basis for the new claims:

New claim	Basis
163	Old claims 154 & 161 together with fig 5, p 3 (l 15), p 6 (l 13-15), p 16 (l 21-22), p 21 (l 27-30);
164	Old claim 156, p 3 (l 27), p 4 (l 7-8);
165	Old claim 157, p 2 (l 12);
166	Old claim 159

Page and line numbers mentioned in the table are those of the published international application.

The sole issue raised in the Action was directed to claims 154-162 which the examiner regarded to be unpatentable/obvious over the disclosures of three documents taken in combination. This rejection is traversed to the extent that it is thought to pertain to the new claims presented above.

In the Official Action, the Examiner acknowledges (page 3, lines 1-3) that WO 97/06101 (WO '101) does not describe sequential delivery. The Examiner also acknowledges, or implicitly acknowledges, that Cortese (US 4,608,048) and Gopfrich (US 6,086,908) do not describe the use of silicon.

For the record, Cortese does mention silicone, which is an organic polymer, and not elemental silicon.

The Examiner describes the combination of WO '101 with each of the other two cited documents. Since none of the documents disclose the use of elemental sulfur, such combination does not result in the new claim 163 invention.

For the record, Cortese does mention a number of compounds that contain sulfur, for example column 8, line 37 and column 10, lines 44 to 45.


Electronic intelligent drug delivery is the only form of drug delivery mentioned by WO '101 (page 6, lines 5 to 6, and page 16, lines 5 to 6). This would lead the skilled person away from the use of a barrier (as opposed to some electronic means) to sequentially release a beneficial substance.

For these reasons, it is respectfully submitted that claims 163-166 are both novel and inventive over the disclosures of a combination of the three documents discussed above. Reconsideration and favorable action are solicited. Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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